

**BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION**

**INQUIRY CONCERNING A
JUDGE, NO. 01-244**

CASE NO.: SC01-2670

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NOTICE OF DEPOSITION DUCES TECUM

PLEASE TAKE NOTICE that pursuant to the Florida Rules of Civil Procedure, that on Tuesday, March 12, 2002, beginning at the hour of 8:30 a.m. at the Marriott Hotel, 350 Calle Principal, Monterey, California 93940 before Atkinson-Baker, Inc., Official Court Reporter, or any other office authorized by law to take depositions in the State of California, the Respondent will, upon oral examination, take the deposition of the following named, to wit:

Officer Phillip C. Nash

City of Carmel-by-the-Sea Police Department

Southeast corner of Jinpero and 4th Avenue

Carmel-by-the-Sea, California

Such oral examination will continue from day to day until completed. You are hereby notified to appear and take part in said examination as you may be advised, and as shall be fit and proper. This deposition is being taken for the purpose of discovery, for use as evidence at trial or for other purposes as are permitted under the applicable Statutes or Rules of Court.

Respectfully submitted,

ROBERT W. MERKLE, ESQ.

Florida Bar Number: 138183

MERKLE & MAGRI, P.A.

5510 West LaSalle Street

Tampa, Florida 33607

Telephone: (813) 281-9000

Facsimile: (813) 281-2223

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via facsimile and U.S. Mail to: **Judge James R. Jorgenson**, Chair of the Judicial Qualifications Commission Hearing Panel, 3rd District Court of Appeal, 2001 S.W. 117th Avenue, Miami, Florida 33175-1716; **John Beranek, Esq.**, Counsel to the Hearing Panel of the Judicial Qualifications Commission, P.O. Box 391, Tallahassee, Florida 32302; **John S. Mills, Esq.**, Special Counsel, Foley & Laudner, 200 Laura Street, Jacksonville, Florida 32201-0240; **Brooke S. Kennerly**, Executive Director of the Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; **Thomas C. MacDonald, Jr., Esq.**, General Counsel to the Investigative Panel of the Judicial Qualifications Commission, 100 North Tampa Street, Suite 2100, Tampa, Florida 33602, **Louis Kwall, Esq.**, Co-Counsel for Respondent, 133 North Ft. Harrison Avenue, Clearwater, Florida 33755 this 27th day of February, 2002.

ROBERT W. MERKLE, ESQ.

**BEFORE THE FLORIDA
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SUBPOENA DUCES TECUM FOR DEPOSITION

THE STATE OF CALIFORNIA:

TO: Officer Phillip C. Nash
City of Carmel-by-the-Sea Police Department
Southeast corner of Junipero and 4th Avenue
Carmel-by-the-Sea, California

YOU ARE COMMANDED to appear before a person authorized by law to take depositions at Marriott Hotel, 350 Calle Principal, Monterey, California 93940 on Tuesday, March 12, 2002 at 8:30 a.m., for the taking of your deposition in this action and to have with you at that time and place the following:

1. Copies of any and all documents relating to Charles W. Cope, including but not limited to reports, notes of interview, booking records, telephone logs, memoranda, witness statements, photographs, audio recordings, video recordings and officer notes.
2. Copies of any and all documents relating to Lisa V. Jeanes, including but not limited to any writings referencing or relating to personal or telephonic contact, memoranda, correspondence, statements, photographs, audio recordings, video recordings and officer notes.
3. Copies of any and all documents relating to Nina V. Jeanes, including but not limited to any writings referencing or relating to personal or telephonic contact, memoranda, correspondence, statements, photographs, audio recordings, video recordings and officer notes.

If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

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ROBERT W. MERKLE, Esquire
For the Court

Dated: February 27, 2002

ROBERT W. MERKLE

Florida Bar No.: 138183

MERKLE & MAGRI, P.A., 5510 West LaSalle Street, Tampa, Florida 33607

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